

REMARKS

This is in response to an Office Action that was mailed on July 2, 2009. Claims 1-6, 8, 9, 12-19, 21-23, 26, 27 and 31 were pending in that action. All claims were rejected. With the present response, claims 1, 15 and 26 are amended. Claims 2, 16, 17, 18, 19 and 27 are cancelled. The remaining claims are unchanged.

In the Office Action mailed on April 30, 2008, the Examiner objected to the drawings filed on December 29, 2003. On July 30, 2008, the Applicants submitted replacement drawing sheets. Since then the Examiner has not indicated whether the replacement drawing sheets have been accepted. Applicants respectfully request that the Examiner confirm that the drawings that have been submitted are satisfactory and accepted..

Beginning on page 3 of the Office Action, the Examiner rejected all pending claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,999,908, which is attributed to Abelow, in view of U.S. Patent No. 6,108,665, which is attributed to Bair et al. For at least the reasons discussed below, it is respectfully submitted that the pending claims are patentably distinguishable from the cited references.

Independent claim 1 has been amended to include limitations of dependent claim 2. In particular, claim 1 has been amended to include “facilitating an automatic integration of the structured responses into a pre-identified application hosted by the recipient.” In rejecting dependent claim 2, the Examiner stated on page 8 of the Office Action that “Abelow teaches automatically integrating the structured responses into a pre-identified application hosted by the recipient,” at least at column 37, line 21 through column 38, line 36, citing “Pre-use Probes” and “On-task Probes.”

Embodiments of answer integration are described in several locations within Applicants’ Specification as originally filed. For example, in one case, it is explained that a query form can be configured to dynamically elicit specific information from a user regarding the user’s interest in products or services of a subscriber. (¶ 63.) This is described as being done in a structured way so that the information can readily be imported into an application hosted by the subscriber. (¶ 63.) For example, the application can be an electronic mail program, a contact

management program, a scheduler, or any of a wide variety of other applications. (§ 34.) When the user's query response is received, the query response is directly imported into the designated application based on an application schema. (§ 68.) This can be done through an importation service offered by query service provider, or through a downloaded query integration module. (Id.) If the information has been provided to the query integration module, the query integration module automatically integrates the information into the application based on the schema corresponding to the application. (§ 37.) Once the information has been integrated into the application, the subscriber takes any desired action. (§ 69.) For example, the subscriber can contact the user by electronic mail. (Id.)

It is respectfully submitted that the cited Abelow reference fails to teach or suggest automatically integrating structured responses into a pre-identified application hosted by the recipient. Instead, Abelow teaches Pre-use Probes and On-task Probes. According to Abelow, these Pre-use Probes and On-task Probes are different types of Customer Probes (CP). (Col. 37, lines 16-19.) Abelow defines Customer Probes (CP) as "the prompts, questions, etc. stored in a CB-PD Module for interacting with a Customer." (Col. 16, lines 22-24.) Prompts and questions which are stored in a module for interacting with customers are not the same as structured responses which are integrated into a pre-identified application for at least three reasons. First, a response is not a prompt or a question, but, rather a response is an answer to a prompt or a question. Second, the prompts or questions are created ahead of time and are subsequently stored in a module, whereas a response from a user cannot be devised ahead of time. Third, the user's responses are integrated *after* the user has answered the query, not *before* or *while* the customer is interacting with the system. In accordance with claim 1, the user's structured responses are integrated into the pre-identified application when the dynamic survey query requests a structured response from the user, the user provides his or her structured response, and the structured response is received. By contrast, Abelow teaches that different types of Customer Probes produce different types of data, and thus, the best way to reach a specific decision making objective is to use the types of probes that will produce the type of information needed. (Col. 37, lines 16-19.) Since the Abelow system devises the Customer

Probes ahead of time, seeking to inquire as to a specific type of information that is needed, the prompts and questions are determined before or while the customer is interacting with the Abelow system.

Abelow also describes analyzed findings that are delivered to vendor managers and employees as reports. However, this is distinguishable from structured responses being integrated into a pre-identified application. Rather, the Abelow reference teaches that after the interactions between the customers and the Customer Designed Products (CDP) have occurred, the system delivers the data resulting from these interactions either to vendors or into the product itself to produce immediate product modifications. (Col. 12, lines 26-28.) The data is then automatically analyzed into Defined Customer Desires (DCD). (Col. 12, lines 28-29.) The Defined Customer Desires (DCD) are the analyzed findings that result from customer use of the CB-PD Module in a Customer Directed Product (CDP). (Col. 16, lines 46-48.) But the DCD must be distinguished from the Aggregate Customer Desires (ACD). Unlike the DCD, which are “analyzed findings” resulting from customer use of the module, the Aggregate Customer Desires (ACD) are the “raw data” that results from customer use of the CB-PD Module. (Col. 16, lines 31-32.) After the DCD automatically analyzes the data, the data is then delivered to vendor managers and employees as Customer-Based Product Design Reports (CB-PDR). (Col. 16, lines 29-31.) It should be noted that the “raw data” that results from customer use of the module is not delivered to the vendor managers and employees as reports. Instead, the reports being delivered to vendor managers and employees are composed of data that is “analyzed findings.”

The Abelow reference also describes a Customer-Based Product Design Module (CB-PD Module) that can help track the testing of new and prototype products during their development, and providing the output of Aggregate Customer Desires (ACD) and Customer-Based Product Design Reports (CB-PDR) to product managers and designers. (Col. 12, lines 36-40.) Abelow defines the Aggregate Customer Desires (ACD) as the raw data that results from customer use of the CB-PD Module. (Col. 16, lines 31-33.) The Customer-Based Product Design Report (CB-PDR) is an automated, structured report system that analyzes and presents the Defined Customer Desires (DCD). (Col. 16.) The Defined Customer Desires (DCD) are the

analyzed findings that result from customer use of the CB-PD Module in a Customer Directed Product (CDP). (Col. 16.) Abelow provides for the output of the raw data and analyzed findings resulting from customer use. Abelow does not (1) structure the users' responses or (2) integrate the users' structured responses into an application. Structuring responses is not the same as analyzing findings. Structuring the users' responses preserves the actual responses, and places those in pre-defined categories. On the other hand, analyzing findings includes taking the raw data and working with the raw data to discover essential features or meanings, which are then presented to managers or employees in the form of reports. Similarly, integrating the users' structured responses into an application is not the same as analyzing findings. Integrating the users' structured responses includes taking the users' structured responses and merging the actual responses into an application. Unlike analyzing the findings, integrating the responses does not involve examining the users' responses to discover further features or meanings.

It is also noted that the cited Abelow reference fails to teach or suggest any provision of a query form over a network as claimed in claim 1. To the extent that the cited Abelow reference teaches or suggests any tools for constructing a dynamic query form, there is absolutely no teaching or suggestion of providing such functionality over a network consistent with a service model as claimed. FIGS. 17, 18, 20 and column 9 of the cited Abelow reference teach that query construction is locally handled. In addition, to the extent that the Abelow reference teaches or suggests manipulating query branching data, there is absolutely no indication that this should be done via a remote transaction over a network.

The Office Action equates components of an actual survey delivered to a customer to the claimed query configuration data. However, claim 1 distinguishes between an entity that ultimately receives the dynamic survey query and a recipient that dictates the specifics (e.g., the branching of questions) of the content and format of the query. The Office Action also repeatedly points to the customer as being equivalent to the claimed "recipient." However, this interpretation fails because claim 1 requires the recipient to be an entity other than the user that ultimately completes the dynamic survey query. In particular, claim 1 requires interaction among three different entities that communicate over a computer network, whereas the cited Abelow and

Bair references only describe interaction among two entities. Thus, the cited references fail to teach or suggest a query service that interacts consistent with the elements of claim 1 with both a recipient and a user.

Claim 1 provides for query branching data that is configured to dynamically change which questions are presented to the user based on the user's answers to previous questions in the dynamic query survey. The Examiner points to "specific trigger events" described in the cited Abelow reference as showing the limitation of this claim element. However, at no point are "development interactions" edited so as to alter specific trigger events based on a query alteration tool provided over a network. Even if the Abelow reference does teach or suggest the specifically claimed query branching data, it does not teach or suggest acquiring such data for the purpose of constructing a dynamic query survey based on a remotely provided query service as claimed.

There is also no teaching or suggestion in the Bair reference of facilitating an automatic integration of structured responses into a pre-identified application hosted by the recipient. Instead, the Bair reference is directed to a system and method for collecting behavioral health care data for a patient. The system includes a mechanism for creating an evaluation instrument from a database of questions having linked answers thereto. New questions can also be entered into the database, along with a user-defined branching logic dependent upon the patient's answer to the question. Patient answers that are numerically scaleable can be displayed graphically against time over a plurality of sessions and also against indicia labeled for values representing a predetermined goal and a value determined upon an initial evaluation, for tracking patient progress.

Even if the Bair reference could be construed as teaching or suggesting an integration of structured responses into a pre-identified application, it does not teach or suggest that a scenario wherein such a pre-identified application is hosted by the recipient. The Bair reference does not provide any scenario in which the subscriber runs the a relevant software application. The subscriber is the one who subscribes to the query service as provided by the query service provider. (§ 36.) When the query is completed by a user, the query is submitted to

the query service provider which transmits it to the subscriber. (Id.) Instead of teaching that the subscriber, as opposed to the query service provider, runs the application, the Bair reference teaches that “one of the reporting vehicles *resident within the system* comprises a means for forming and outputting a narrative report from a patient’s data already entered into the system.” (Col. 13, lines 24-27.) But having a vehicle resident within the system as a reporting tool is different from providing that a subscriber runs a software application because the subscriber is a third party which has subscribed to the query service provider, rather the query service provider itself. Therefore, for at least these reasons, it is respectfully submitted that the cited Bair reference fails to teach or suggest the limitations of independent claim 1.

Dependent claims 3-6, 8-9 and 12-14 are dependent upon independent claim 1 and are believed to be patentably distinguishable from the cited references at least for their dependence upon what is believed to be a patentably distinguishable claim. Further, it is respectfully submitted that some or all of these dependent claims are based on the merit of their own limitations.

Independent claim 15 has also been amended substantially with the present response. Specifically, claim 15 has been amended to include that the content accessed by the user includes a link to the survey, and that the survey service component provides the survey to the user in response to the user activating the link. The claim has also been amended to require the survey service component to provide an integration component to integrate the user responses into a pre-identified application. As amended, claim 15 is believed to be patentable at least for reasons similar to those discussed above in relation to pending claim 1.

Dependent claims 18 and 21-23 are dependent upon independent claim 1 and are believed to patentably distinguishable at least for their dependence upon what is believed to be a patentably distinguishable claim. Further, it is respectfully submitted that some or all of these dependent claims are based on the merit of their own limitations.

With the present response, Applicants have also amended independent claim 26 substantially. Claim 26 includes providing, to a user, over a computer network, the survey in a format that is consistent with the survey configuration data. The claim has also now been

amended such that the survey is configured to expire on a specified date. Support for this amendment is found on paragraph 29 of Applicant's Specification, which states that "the subscription screen illustrates that subscriber can input such things as the name of the survey or query, introduction information which introduces user to the query, a date on which the survey or query will expire." The claim has been further amended to include automatically integrating the structured responses into a pre-identified application.

It is respectfully pointed out that there is no teaching or suggestion in the cited references of a survey that is configured to expire on a specified date, or of automatically integrating the structured responses into a pre-identified application. For at least these reasons, it is respectfully submitted that independent claim 26 and its associated dependent claim 31 are believed to be in a patentably distinguishable form. It is also submitted that the dependent claim individually recites an element that is patentable based on the merit of its own limitation.

In summary, it is respectfully submitted that claims 1, 3-6, 8, 9, 12-15, 18, 21-23, 26 and 31 are in condition for allowance. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully Submitted,

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